REMARKS

Claims 1 to 61 were pending in the application at the time of examination. Claims 1 to 61 stand rejected as obvious.

Applicant respectfully points out that a Revocation of Attorney and Appointment of New Attorney was filed in the above application and entered by the USPTO on April 6, 2005. Nevertheless, the pending office action, mailed on April 13, 2005, was mailed to a firm that appears to have never been responsible for the above application. The Examiner is respectfully requested to review the PTO records and confirm that the mailing address is consistent with the paper entered on April 6, 2005. Please direct all further correspondence in the above application to the undersigned attorney.

Applicant respectfully notes that no § 112 rejections or objections were presented in the pending office action. Accordingly, in the Examiner's opinion the claims satisfied the § 112 requirements. Nevertheless, Applicant has amended Claims 1, 3, 10, 16, 20, 23, 30, 32, 39, 45, 49, 52, 59, and 61 to address antecedent basis informalities. In view of the fact that no § 112 rejections were raised, Applicant respectfully submits that the amendments do not affect the patentability of the claims.

Claims 1 to 5, 7 to 13, 15 to 27, 29 to 34, 36 to 42, 44 to 56, and 58 to 61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2003/0070006 A1, hereinafter referred to as Nadler, in view of U.S. Patent Application Pub. No. 2003/0055883, hereinafter referred to as Wiles.

In the rejection of Claims 1, 8, 16, 30, 37, 45, and 59 to 61, the rejection initially quoted Claim 1 and cited paragraphs [0005], [0006], [0020], and [0021] of Nadler. However, paragraphs [0005] and [0006] are:

[0005] 2. Description of the Background Art

[0006] Before a digital computer may accomplish a desired task, it must receive an appropriate set of instructions. Executed by the computer's microprocessor, these instructions, collectively referred to as a "computer program," direct the operation of the computer. Expectedly, the computer must understand the instructions which it receives before it may undertake the specified activity.

A section heading and a high level description of a computer program fail to teach or suggest anything concerning "providing a functional software unit implementing a version control server functionality" as recited in Claim 1.

Nadler was electronically searched for the phrase "version control" and the phrase was not found. Thus, it appears that specific limitations within the claim concerning version control have been ignored and the claim language reduced to a gist "a computer program." The MPEP expressly points out that this is an improper level of analysis in an obviousness rejection.

Similarly, the high level description of a computer program in paragraph [0006] of Nadler fails to teach or suggest anything concerning packaging and in particular packaging the functional software unit with the module deployment descriptor as recited in Claim 1.

Thus, the rejection fails to establish a prima facie obviousness rejection. This alone is sufficient to overcome the obviousness rejection because the information cited in the secondary reference fails to overcome the shortcomings of the primary reference. In addition, the motivation for combining the two references has nothing to do with any recitation in Claim 1.

Specifically, the rejection stated:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nadler et al. with that of Wiles by having a web server plug-in in order to monitor the sites.

However, Claim 1 recites nothing concerning monitoring sites and instead recites in part:

> . . . the server plug-in automatically installing a Web module on a corresponding server platform when the Web module complies with the component-based platform-independent specification

Monitoring sites is not related to installing a Web module when the Web module complies with the component-based platform-independent specification. Thus, the combination of references is also not well founded because the motivation for the combination is unrelated to Claim 1. Thus, the primary reference is defective and at least the motivation to combine the references is not well founded. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 1.

Claims 2 to 5, and 7 depend from Claim 1 and so distinguish over the combinations of references for at least the same reasons as Claim 1. In addition, Applicant respectfully points out the cited paragraphs in Nadler are unrelated to Applicant's claim language. For example, paragraph [0066], which is "1. Introduction," was cited. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 2 to 5 and 7.

Each of independent Claims 8, 16, 30, 37, 45, and 59 to 61 includes a limitation similar to that discussed above with respect to Claim 1. Thus, the comments with respect to Claim 1 are applicable to each of Claims 8, 16, 30, 37, 45, and 59 to 61 are incorporated herein by reference for each of these claims. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 8, 16, 30, 37, 45, and 59 to 61.

Each of Claims 9 to 13, 15, 17 to 27, 29, 31 to 34, 36, 38 to 42, 44, 46 to 56, and 58 distinguish over the combination of
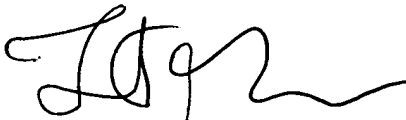
references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 9 to 13, 15, 17 to 27, 29, 31 to 34, 36, 38 to 42, 44, 46 to 56, and 58.

Claims 6, 14, 28, 35, 43 and 57 stand rejected as being obvious over Nadler and Wiles and further in view of U.S. Patent No. 6,304,967. Assuming arguendo that the combination of references is correct, the information cited in the third reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, Each of Claims 6, 14, 28, 35, 43 and 57 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 6, 14, 28, 35, 43 and 57.

Claims 1 to 61 remain in the application. Claims 1, 3, 10, 16, 20, 23, 30, 32, 39, 45, 49, 52, 59, and 61 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).
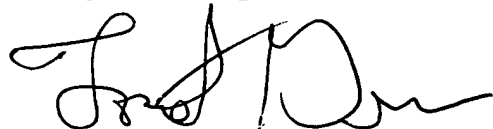
Respectfully submitted,

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